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19AB-CC00264 - KIM DAMES ET AL V MERCY HOSPITALS EAST
COMMUNITIES (E-CASE)

Case File	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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12/12/2019 ☐ Judge Assigned

☐ [Pet Filed in Circuit Ct](#)

Petition; Confidential Filing Information Sheet.

On Behalf Of: KIM DAMES

☐ Note to Clerk eFiling

Filed By: TODD CHRISTOPHER WERTS

☐ Filing Info Sheet eFiling

Filed By: TODD CHRISTOPHER WERTS

12/13/2019 ☐ [Summons Issued-Circuit](#)

Document ID: 19-SMCC-851, for MERCY HOSPITALS EAST COMMUNITIES.

02/18/2020 ☐ [Motion for Change of Judge](#)

Plaintiffs application for change of Judge; Electronic Filing Certificate of Service. SENT TO JUDGE FOR REVIEW

On Behalf Of: KIM DAMES

Associated Entries: 02/20/2020 - [Order for Change of Judge](#)

02/20/2020 ☐ [Order for Change of Judge](#)

Associated Entries: 02/18/2020 - [Motion for Change of Judge](#)

02/26/2020 ☐ Judge Assigned

PER LOCAL COURT RULE 1, CASE ASSIGNED TO DIV I

03/26/2020 ☐ Judge Recuses

RECUSE. SO ORDERED. CEH/mdk

☐ Judge Assigned

PER LOCAL COURT RULE 1 CAUSE ASSIGNED TO DIV VI.

04/02/2020 ☐ [Entry of Appearance Filed](#)

Entry of Appearance; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

☐ [Motion Filed](#)

Defendants Motion to Dismiss; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

☐ **Civil Setting Scheduled**

Associated Entries: 07/16/2020 - **Hearing/Trial Cancelled**

Scheduled For: 07/20/2020; 10:00 AM ; DAVID L HOVEN; Franklin County

07/06/2020 ☐ [Notice of Hearing Filed](#)

Notice of Hearing; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

07/16/2020 ☐ [Motion for Continuance](#)

Plaintiffs Unopposed Motion to Continue Hearing; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

Associated Entries: 07/16/2020 - **Motion Granted/Sustained** ±

☐ **Motion Granted/Sustained**

8-31-2019 AT 10:00 AM FOR HEARING ON MOTION. SO ORDERED DAVID L. HOVEN

Associated Entries: 07/16/2020 - [Motion for Continuance](#) ±

☐ **Hearing/Trial Cancelled**

Scheduled For: 07/20/2020; 10:00 AM ; DAVID L HOVEN; Franklin County

☐ **Motion Hearing Scheduled**

Associated Entries: 09/03/2020 - **Hearing Continued/Rescheduled**

Scheduled For: 08/31/2020; 10:00 AM ; DAVID L HOVEN; Franklin County

08/07/2020 ☐ [Suggestions in Opposition](#)

Plaintiffs Suggestions in Opposition to Motion to Dismiss; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

08/21/2020 ☐ [Reply](#)

Defendants Reply Memorandum in Support of its Motion to Dismiss; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

08/31/2020 ☐ **Cause Taken Under Advisement**

MOTION TO DISMISS HEARD AND TAKEN UNDER ADVISEMENT.

Associated Entries: 01/21/2021 - [Order](#) ±

☐ [Sound Recording Log Sheet](#)

09/03/2020 ☐ **Hearing Continued/Rescheduled**

Hearing Continued From: 08/31/2020; 10:00 AM Motion Hearing

01/21/2021 ☐ [Order](#)

ORDER ON DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S PETITION

Associated Entries: 08/31/2020 - **Cause Taken Under Advisement** ±

01/28/2021 ☐ [Certificate of Service](#)

Certificate of Service; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

☐ [Answer Filed](#)

Defendants Answer to Plaintiffs Petition; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

03/01/2021 ☐ [Cert Serv Answers Interrog Fil](#)

Plaintiffs certificate of service for answers and objections to Defendants initial discovery; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

03/05/2021 ☐ **Civil Setting Scheduled**

Associated Entries: 03/08/2021 - Scheduled in Error

Scheduled For: 05/17/2021; 9:00 AM ; DAVID L HOVEN; Franklin County

03/08/2021 ☐ **Scheduled in Error**

Associated Entries: 09/03/2020 - Hearing Continued/Rescheduled

Associated Entries: 03/05/2021 - Civil Setting Scheduled

Scheduled For: 05/17/2021; 9:00 AM ; DAVID L HOVEN; Franklin County

☐ **Civil Setting Scheduled**

Associated Entries: 03/17/2021 - Hearing Continued/Rescheduled

Scheduled For: 03/15/2021; 9:00 AM ; DAVID L HOVEN; Franklin County

03/17/2021 ☐ **Hearing Continued/Rescheduled**

Hearing Continued From: 03/15/2021; 9:00 AM Civil Setting

☐ **Jury Trial Scheduled**

Associated Entries: 12/16/2021 - Hearing Continued/Rescheduled

Scheduled For: 01/24/2022; 9:00 AM ; DAVID L HOVEN; Setting: 1; Franklin County

03/22/2021 ☐ [Cert Serv of Interrog Filed](#)

Plaintiffs certificate of service for interrogatories and request for production to Defendant; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

03/30/2021 ☐ [Order](#)

PRE TRIAL ORDER

☐ **Pre-trial Conference Scheduled**

Associated Entries: 12/28/2021 - Hearing/Trial Cancelled

Scheduled For: 01/14/2022; 10:00 AM ; DAVID L HOVEN; Setting: 1; Franklin County

04/20/2021 ☐ [Cert Serv Answers Interrog Fil](#)

Certificate of Service; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

☐ [Notice to Take Deposition](#)

Plaintiffs amended notice of video-conference deposition; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

04/21/2021 ☐ [Motion Filed](#)

Joint Motion for Stipulated Protective Order; Stipulated Protective Order; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

05/06/2021 ☐ **Order**

On April 27, 2021, the Court heard arguments from counsel for both parties concerning disputed Discovery requests, and Defendant's objections to those requests. Counsel for the parties participated. The issues revolved around Plaintiff's Request for Production No. 6 and Plaintiff's Deposition topic No. 8. At the conclusion of the Hearing, the Court took the objections under advisement. Defendant's objections to Plaintiff's Request for Production No. 6 and Plaintiff's Deposition Topic No. 8 are overruled. Defendant shall comply with the Requests. s/o DLH

05/10/2021 ☐ **Order**

The Court has read and considers the parties' Joint Motion for Stipulated Protective Order. The Motion is granted, and the proposed Stipulated Protective Order submitted by counsel for the parties is approved. s/o DLH

05/12/2021 ☐ [Notice to Take Deposition](#)

Plaintiffs Second Amended Notice of Rule 57.03B4 Deposition; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

06/15/2021 ☐ [Motion for Summary Judgment](#)

Defendants Motion for Summary Judgment; Statement of Uncontroverted Material Facts in Support of Defendants Motion for Summary Judgment; Exhibit 1; Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5; Exhibit 6; Exhibit 7; Exhibit 8; Exhibit 9; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

☐ [Suggestions in Support](#)

Memorandum in Support of Defendants Motion for Summary Judgment; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

06/18/2021 ☐ [Notice of Hearing Filed](#)

Notice of Hearing; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

06/21/2021 ☐ **Motion Hearing Scheduled**

Associated Entries: 12/28/2021 - Hearing/Trial Cancelled

Scheduled For: 09/14/2021; 9:00 AM ; DAVID L HOVEN; Setting: 2; Franklin County

07/16/2021 ☐ [Memorandum Filed](#)

Memorandum to the Court; Electronic Filing Certificate of Service.

Filed By: MARK EDWARD BRINKMANN

On Behalf Of: KIM DAMES

07/20/2021 ☐ [Judge/Clerk - Note](#)

Filed By: DAVID L HOVEN

07/22/2021 ☐ [Suggestions in Opposition](#)

Plaintiffs Response in Opposition to Defendants Motion for Summary Judgment and Suggestions in Support; Plaintiffs Responses to Defendants Statement of Facts and Statement of Additional Material Facts; Ex. 1 - Dames Consent Form; Ex. 2 - Deposition of Mercy Corporate Representative; Ex. 3 - Deposition of Kim Dames; Ex. 4 - Dames Statement of Account; Ex. 5 - Account History; Ex. 6 - Fax from Acuity to MRA; Ex. 7 - Check from Acuity to Mercy; Ex. 8 - Claims Activity Log; Ex. 9 - Letter from Acuity to Mercy; Ex. 10 - Email string between Acuity to Mercy; Ex. 11 - Second Letter from Acuity to Mercy; Ex. 12 - AcciClaim Workflows; Ex. 13 - Letter from Attorney to Mercy; Ex. 14 - Acuity Amended Declarations; Ex. 15 - Letter from Acuity to Mercy re Notifying not Primary Payor; Ex. 16 - Anthem Policy; Ex. 17 - AcciClaim Patient Services Letter; Ex. 18 - Letter from Mercy to Dames re MRA; Ex. 19 - All About Massage Invoice; Ex. 20 - Tim Collins, D.C. Invoice; Ex. 21 - West County Radiology Group Invoice; Ex. 22 - AcciClaim Executive Performance Review; Ex. 23 - MRA Internal Memorandum re Primacy of No-Fault Benefits; Ex. 24 - MRA Presentation Get Paid MORE for Accident Claims; Ex. 25 - Consent and Agreement 71514; Ex. 26 - Consent and Agreement 2821; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

☐ [Exhibit Filed](#)

Plaintiffs Appendix of Confidential Evidence; Ex. 12 - AcciClaim Workflows; Ex. 22 - AcciClaim Executive Performance Review; Ex. 23 - MRA Internal Memorandum re Primacy of No-Fault Benefits; Ex. 24 - MRA Presentation Get Paid MORE for Accident Claims; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

☐ [Note to Clerk eFiling](#)

Filed By: TODD CHRISTOPHER WERTS

08/03/2021 ☐ [Memorandum Filed](#)

Memorandum to the Court; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

08/13/2021 ☐ [Reply](#)

Reply Memorandum in Support of Defendants Motion for Summary Judgment; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

☐ [Response Filed](#)

Defendants Response to Plaintiffs Statement of Additional Material Facts; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

08/25/2021 ☐ [Memorandum Filed](#)

Non-Party, Cameron Mutual Insurance Companys Memorandum Regarding Proposed Consent Order; Exhibit B; Exhibit A; Electronic Filing Certificate of Service.

Filed By: PATRICK CONNARY MEYER

☐ [Proposed Order Filed](#)

Filed By: PATRICK CONNARY MEYER

08/30/2021 ☐ [Reply](#)

Plaintiffs Sur-Reply in Opposition to Defendants Motion for Summary Judgment; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

08/31/2021 ☐ [Order](#)

12/16/2021 ☐ **Hearing Continued/Rescheduled**

Hearing Continued From: 01/24/2022; 9:00 AM Jury Trial

☐ **Judge/Clerk - Note**

DUE TO JUDGE HOVEN'S RETIREMENT, JURY TRIAL REMOVED FROM THE JANUARY 24, 2022 DATE (5 DAY) AND CONTINUED TO MARCH 21, 2022 AT 10 AM FOR RESETTING.
DLH/JUDGE/nlg

☐ **Civil Setting Scheduled**

Associated Entries: 03/21/2022 - **Hearing Continued/Rescheduled** 

Scheduled For: 03/21/2022; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

12/20/2021 ☐ [Order](#)

DFT'S MOTION FOR SUMMARY JUDGMENT IS DENIED. THE CASE REMAINS ON THE COURT'S DOCKET OF MARCH 21, 2022 AT 9:00 AM FOR RESETTING. SO ORDERED:
DLH/JUDGE/nlg

12/28/2021 ☐ **Hearing/Trial Cancelled**

Scheduled For: 09/14/2021; 9:00 AM ; DAVID L HOVEN; Setting: 2; Franklin County

☐ **Hearing/Trial Cancelled**

Scheduled For: 01/14/2022; 10:00 AM ; DAVID L HOVEN; Setting: 1; Franklin County

02/18/2022 ☐ **Judge Assigned**

DUE TO THE RETIREMENT OF JUDGE DAVID L. HOVEN, JUDGE MATTHEW W. HOUSTON IS APPOINTED EFFECTIVE FEBRUARY 18, 2022.

03/17/2022 ☐ [Motion to Reconsider](#)

Defendants Motion to Reconsider the Courts Interlocutory Order Denying Defendants Motion for Summary Judgment, or, Alternatively, Motion Under Rule 74.04...; Electronic Filing Certificate of Service.

Filed By: JEFFREY RICHARD FINK

On Behalf Of: MERCY HOSPITALS EAST COMMUNITIES

03/21/2022 ☐ **Hearing Continued/Rescheduled**

CASE CALLED. PARTIES APPEAR BY COUNSEL OF RECORD. CASE IS CONTINUED TO JUNE 10, 2022 AT 9:AM FOR HEARING ON ALL MOTIONS. MH/nlg

Hearing Continued From: 03/21/2022; 9:00 AM Civil Setting

03/25/2022 ☐ **Civil Motion Hearing Scheduled**

Associated Entries: 05/03/2022 - **Hearing Continued/Rescheduled** 

Scheduled For: 06/10/2022; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

05/03/2022 ☐ **Hearing Continued/Rescheduled**

ON THE COURTS OWN MOTION, THIS CASE IS CONTINUED TO JULY 22, 2022 AT 9:00 AM TO HEAR PENDING MOTIONS. MH/JUDGE/nlg

Hearing Continued From: 06/10/2022; 9:00 AM Civil Motion Hearing

- ☐ Civil Motion Hearing Scheduled

Associated Entries: 07/20/2022 - Hearing Continued/Rescheduled

Scheduled For: 07/22/2022; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

- 07/20/2022 ☐ Hearing Continued/Rescheduled

Hearing Continued From: 07/22/2022; 9:00 AM Civil Motion Hearing

- ☐ Civil Setting Scheduled

Associated Entries: 07/20/2022 - [Memorandum Filed](#) 

Associated Entries: 08/19/2022 - Hearing Continued/Rescheduled 

Scheduled For: 08/19/2022; 11:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

- ☐ [Memorandum Filed](#)

BY CONSENT OF THE PARTIES THE HEARING IN THIS MATTER SET FOR FRIDAY, JULY 22, 2022 IS CONTINUED. THE MATTER IS SET FOR 8-19-2022 AT 11:00 A.M. TO SCHEDULE A HEARING DATE ON THE PENDING MOTIONS. s/o MWH/bjb

Associated Entries: 07/20/2022 - Civil Setting Scheduled

- 08/19/2022 ☐ Hearing Continued/Rescheduled

CASE CONTINUED TO OCTOBER 24, 2022 AT 9:00AM FOR TRIAL. JUDGE MWH / LT

Hearing Continued From: 08/19/2022; 11:00 AM Civil Setting

- ☐ Court Trial Scheduled

Associated Entries: 10/24/2022 - Hearing Continued/Rescheduled 

Scheduled For: 10/24/2022; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

- 10/18/2022 ☐ [Motion to File Amended Pet](#)

Plaintiffs Motion for Leave to File Amended Petition; Ex 1 - Amended Petition; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

- 10/24/2022 ☐ Hearing Continued/Rescheduled

CASE CALLED. APLT APPEARS IN PERSON. CASE CONTINUED TO NOVEMBER 28, 2022 AT 9:00AM FOR HEARING. JUDGE MWH/LT

Hearing Continued From: 10/24/2022; 9:00 AM Court Trial

- ☐ Hearing Scheduled

Associated Entries: 11/28/2022 - Hearing Continued/Rescheduled 

Scheduled For: 11/28/2022; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

- 11/28/2022 ☐ Hearing Continued/Rescheduled

CASE CALLED. APLT WERTS APPEARS IN PERSON. ADFT FINK APPEARS IN PERSON. APET'S MOTION FOR LEAVE TO FILE AMENDED PETITION IS GRANTED. CASE CONTINUED TO MARCH 20, 2023 AT 9:00AM FOR SETTING. JUDGE MWH/LT

Hearing Continued From: 11/28/2022; 9:00 AM Hearing

- ☐ Civil Setting Scheduled

Scheduled For: 03/20/2023; 9:00 AM ; MATTHEW WILLIAM HOUSTON; Franklin County

- ☐ [Amend Pet/Mot to Modify Filed](#)

Amended Petition; Electronic Filing Certificate of Service.

Filed By: TODD CHRISTOPHER WERTS

On Behalf Of: KIM DAMES

☐ **Note to Clerk eFiling**

Filed By: TODD CHRISTOPHER WERTS

12/19/2022 ☐ [Cert Serv Req Prod Docs Things](#)

Certificate of Service; Electronic Filing Certificate of Service.

Filed By: ANTHONY JOSEPH MEYER

On Behalf Of: KIM DAMES, DAVID ARMSTRONG, MYRA DAVIS